EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2 DOCKET NO.: 2007-1964-WQ-E TCEQ ID: RN100581479 CASE NO.: 35060 RESPONDENT NAME: ONE WAY HAULING, INC.

	and the second s	
ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
_FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	_OCCUPATIONAL CERTIFICATION
X WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	_RADIOACTIVE WASTE	_DRY CLEANER REGISTRATION
	RED: 120 Oil Patch Road, Laredo, Webb Cour	nty
TYPE OF OPERATION: Oil drilling equip	pment and bulk barite transportation facility	
SMALL BUSINESS: X Yes	No	
OTHER SIGNIFICANT MATTERS: The regarding this facility location.	re are no complaints. There is no record of ad	ditional pending enforcement actions
INTERESTED PARTIES: No one other th	an the ED and the Respondent expressed an in	terest in this matter.
COMMENTS RECEIVED: The Texas Req	gister comment period expired on October 20,	2008. No comments were received.
Ms. Lena Rober TCEQ Enforcement Coordinator TCEQ Regional Contact: Ms. Ro.	hard, Litigation Division, MC 175, (512) 239-6ts, Litigation Division, MC 175, (512) 239-001 Mr. Tom Jecha, Enforcement Division, MC se Luna-Pirtle, Laredo Regional Office, MC R. Jr., President, One Way Hauling, Inc., P. O. B	19 128, (512) 239-2576 -16, (956) 753-4052

Respondent's Attorney: Not represented by counsel.

RESPONDENT NAME: ONE WAY HAULING, INC. DOCKET NO.: 2007-1964-WQ-E

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation:	Total Assessed: \$14,500	Ordering Provisions:
Complaint X Routine Enforcement Follow-up Records Review	Total Deferred: \$0Expedited OrderFinancial Inability to PaySEP Conditional Offset	The Respondent shall undertake the following corrective measures: 1. Within 30 days:
Date of Complaint Relating to this Case: None	Total Paid/Due to General Revenue: \$1,256/\$13,244	a. Label all drums, tanks, and containers at the Facility; and
Date of Investigation Relating to this Case: November 7, 2007 Date of NOE Relating to this Case: November 28, 2007	The Respondent paid \$1,256 of the administrative penalty. The remaining amount of \$13,244 of the administrative penalty shall be payable in 11 monthly payments of \$1,204 each.	b. Create a record keeping system to retain records and reports for a period of three years and maintain the records at the Facility or keep them readily available for review by the TCEQ.
Background Facts: The EDPRP was filed June 26, 2008. The Agreed Order was signed August 13, 2008.	Site Compliance History Classification: High X Average Poor Person Compliance History Classification:	Within 60 days: a. Begin conducting quarterly
WQ: 1. Failed to label drums, tanks, and containers [30 Tex. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") Multi Sector General Permit ("MSGP") No. TXR05V539, Part III., Section A.5(b)(3)].	High _X_AveragePoor Major Source:Yes _X_No Applicable Penalty Policy: September 2002	inspections of pollution prevention measures and controls; b. Begin sampling and analyzing storm water discharges for hazardous metals at a minimum
2. Failed to retain records and reports for a period of three years and maintain the records at the Facility or have them readily available for review by a TCEQ representative [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Sections A.5(f), A.7(c)(4), and E.3(e)(2)].		frequency of once per year; c. Construct a designated area for vehicles with potential fluid leaks and maintain materials and equipment necessary for spill clean-up; and
3. Failed to conduct quarterly inspections of pollution prevention measures and controls [30 Tex. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(g)].		d. Maintain a rain gauge on-site to determine when a representative storm event occurs and monitor the gauge and maintain records.
4. Failed to sample and analyze storm water discharges for hazardous metals at a minimum frequency of once per year [30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section D.1(c)].		3. Within 75 days, submit written certification to demonstrate compliance with Ordering Provisions Nos. 1 and 2.
5. Failed to provide adequate spill prevention and response measures [30 TEX. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(6) and Part V., Section P.2].		
6. Failed to maintain a rain gauge on-site or utilize a rain gauge located in the immediate vicinity of the Facility to determine when a representative storm event occurs [30 Tex. ADMIN. CODE § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section C.1(c)].		

	Penalty Calculation	n Worksheet (P	CW)	
Policy Revision 2 (Sept	tember 2002)		PCW Revision No	vember 6, 2007
TCEQ	0 D-0 0007			
DATES Assigned PCW		EPA Due	Maria (M. 1900) in the Life technological con-	Selfer Norwall (v. 10)
RESPONDENT/FACILITY				40086464
	One Way Hauling, Inc.	-	<u> </u>	4
Reg. Ent. Ref. No. Facility/Site Region	RN100581479	Major/Minor Source	Minor	-
raciity/oite Region	10-Laieuo	majoriminor do		
CASE INFORMATION				
Enf./Case ID No.	35060	No. of Violations		_
	2007-1964-WQ-E	Order Type Enf. Coordinator		- ·
Media Program(s) Multi-Media			Enforcement Team 3	
Admin. Penalty \$ l	L	\$10,000	Linorodinana	
, , , , , , , , , , , , , , , , , , , ,				
	Penalty Calcula	tion Section		
TOTAL BASE DENAL		and an experience of the second secon	Subtotal 1	\$12,000
TOTAL BASE PENAL	LTY (Sum of violation base penaltie	191 iyo damirkin likka sina	Subtotal at	· · · · · · ·
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain	TO SUBTOTAL 1 ned by multiplying the Total Base Penalty (Subtotal 1) by	the indicated percentage.	Water State of the	
Compliance Histo		Enhancement Subt	totals 2, 3, & 7	\$600
N1-4	Enhancement for one NOV with same or sir	milar violations issued to the		
Notes	facility within the past fiv			•
	The state of the s	The state of the s		
Culpability	No 0%	Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the	e culnability criteria.		
INUICO	The Respondent does not the same	5 odipability officers.		
	t to Comply 0%	Reduction	Subtotal 5	\$0
Good Faith Effor	Before NOV NOV to EDPRP/Settlement Offer	Reduction		
Extraordinary				
Ordinary				
N/A	(mark with x)	The state of the s	٦	
Notes	The Respondent does not meet the	e good faith criteria.	1	
	1801 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -			
	0%	Enhancement*	Subtotal 6	\$0
		i at the Total EB \$ Amount	No. 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	
Approx.	Cost of Compliance \$3,370			
CHA OF GUDTOTAL		artoral especial de la compa	di-spontaria	\$12,600
SUM OF SUBTOTAL			Final Subtotal	Ψ12,000
	S JUSTICE MAY REQUIRE Subtotal by the indicated percentage.	15%	Adjustment	\$1,900
Reduces of enhances the rman c			٦	
Notes	Enhancement recommended to recover the			
	with the economic benefit of viola			
	1 1122	Final Pe	enalty Amount	\$14,500
	entre e la calega de la calega en la calega e			
STATUTORY LIMIT A	ADJUSTMENT	Final Ass	essed Penalty	\$14,500
			Ser Leading on a fig.	¢r
DEFERRAL BOOK	W-1-distant - acceptage / Sator number only: e /	0% Reduction	Adjustment	\$0
Reduces the Final Assessed Fer	nalty by the indicted percentage. (Enter number only; e.g	g. 20 for 20% reduction.)	٦	
Notes	Deferral not offered for non-expe	edited settlement.		
110100		30110 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4		
	<u> </u>			
PAYABLE PENALTY	사람들은 아이지를 가고하다면서 사용하는 바			\$14,500

Screening Date 6-Dec-2007

Docket No. 2007-1964-WQ-E

PCW

Respondent One Way Hauling, Inc.

Policy Revision 2 (September 2002) PCW Revision November 6, 2007

Case ID No. 35060

Reg. Ent. Reference No. RN100581479

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Compliance History Worksheet

	y Site Enhancement (Subtotal 2)	Enter Number Here	Adjust.
Component	Number of	1	Aujust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	11 11 11 11 11 11 11 11 11 11 11 11 11	5%
	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)		0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audita	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Audits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Plea	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Ou-	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No.	0%
Other	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal governmen environmental requirements	t No	0%
<u> </u>	Adjustment F	Percentage (S	ıbtotal 2)
peat Violator (S	ubtotal 3)		
N	o Adjustment F	Percentage (S	ubtotal 3)
mpliance Histor	y Person Classification (Subtotal 7)		
Average P	Performer Adjustment F	Percentage (S	ubtotal 7)
mpliance Histor	y Summary		
Compliance History Notes	Enhancement for one NOV with same or similar violations issued to the facility within the	past five year.	
	Total Adjustment Percentage	o (Subtotale	2 2 2 7)

Screening Date	6-Dec-2007	Docket I	No. 2007-1964-WQ-E	PCW
	One Way Hauling, Inc.			Policy Revision 2 (September 2002)
Case ID No.				PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN100581479			
Media [Statute]	Water Quality			
Enf. Coordinator	Thomas Jecha			
Violation Number			 	
Rule Cite(s)	30 Tex. Admin. Code § 281 ("TPDES") Multi Sector G	eneral Permit ("MSGP	ollutant Discharge Elimination ") No. TXR05V539, Part III., S	System
		A.5(b)(3).		
,				
Violation Description	Failed to label drums, ta	nks, and containers. S labeled during the inv	Specifically, six bulk tanks werestigation.	e not
			Base	Penalty \$10,000
>> Environmental, Property	and Human Health Mat	rix		
Supplied of the second	Harm		X & Berry N. P. A. Constitut I. S. A. R. Berl C. at a. S. Park Sup. 4.5 and processing and an artist of the second superior from	
Release		Minor	•	
OR Actua			Percent 0%	•
Potentia			reicent 070	
>>Programmatic Matrix				
Falsification	Major Moderate	Minor		
	x		Percent 10%	
Matrix Notes	100% of the	rule requirement was	not met.	
			Adjustment	\$9,000
			Aujustilielit	Ψ3,000
				\$1,000
The state of the s	es a company a company a company and co			
Violation Events				
Normhor of Vi	olation Events 6	29	Number of violation days	<u>.</u>
Number of Vi	blation Events		rambo, or violation days	
	daily] .		
	monthly			
mark only one	quarterly		Violation Base	Penalty \$6,000
with an x	semiannual			
	annual		•	
	single event x	<u>'</u>	•	•
		***************************************		-
	Six singl	e events are recomme	ended.	
Economic Benefit (EB) for the	iis violation		Statutory Limit Tes	t
ALTONOMY CONTROL AND ADDRESS OF STATE O		#	Walatina Phys. B.	Ity Total \$7,250
Estimate	d EB Amount	\$6	Violation Final Pena	ıty rotai \$7,250
	T	his violation Final As	ssessed Penalty (adjusted fo	or limits) \$7,250

	E	conomic	Benefit W	orks	sheet		
Respondent	One Way Haulir	na Inc	of the second of the first	. 25.50.	a las en elemente	And the State of t	and the first that the second section is a second of the s
Case ID No.		19, 1110.			4		
Reg. Ent. Reference No.							
	Water Quality						Years of
to the contract of the contrac	•					Percent Interest	Depreciation.
Violation No.	6. 1 		integralis, pro f. S. L. Sakilla	en 1980 (1980)	e i jake saakiitaa		
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
And the second s							
Delayed Costs				2 / 6.			
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$120	7-Nov-2007	11-Aug-2008	8.0	\$0	\$6	\$6
Engineering/construction				0.0	\$0	\$0	\$0
Land	1 1 1	- :		0.0	\$0	n/a//	\$0
Record Keeping System				0.0	\$0	and in/a constitution	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	in/a file	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	in/a	\$0
Notes for DELAYED costs			date	of comp	oliance.	e and the final date	
Avoided Costs	ANN	UALIZE [1] avoid	led costs before ei	ntering		one-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel	1 1			0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0::::::::
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]		1 1 1 1 1 1 1	<u> Nauga muan a</u>	0.0	\$0_	\$0	\$0
ONE-TIME avoided costs [3]		. 11.13 211 1.11 . 1 . 1 . 1 . 1	2 1 1 1 1 1 1 1 1	0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs .							
Approx. Cost of Compliance		\$120			TOTAL		\$6

Screening Date	6-Dec-2007	Docket	No. 2007-1964-WQ-E	PCW:
•	One Way Hauling, Inc.		Policy	Revision 2 (September 2002)
Case ID No.			PC	W Revision November 6, 2007
Reg. Ent. Reference No.				
Media [Statute]				
Enf. Coordinator				
Violation Number		8 204 25(a)(4) and TDD	ES MSGP No. TXR05V539, Part III.,	¬
Rule Cite(s)	30 Tex. Admin. Code	Section A.5(f), A.7(c)(4),		
Violation Description	at the facility or have Specifically, records	them readily available fo		
			Base Penal	ty \$10,000
>> Environmental, Property a		latrix		
Release	Harm Major Moderat	e Minor	•	
OR Actual		C WIND		
Potential			Percent 0%	
>>Programmatic Matrix	Majar Madarat	a Minor		
Falsification	Major Moderat	e Minor	Percent 10%	
Matrix Notes	100% of	the rule requirements wer	e not met.	
TAOLES				
			Adjustment \$9,0	<u> </u>
			Adjustinent wo,5	
				\$1,000
Violation Events				
N	olation Cuento		Number of violation days	
Number of VI	olation Events 1	29	Trumber of violation days	
	daily			
	monthly			04.000
mark only one with an x	quarterly		Violation Base Penal	ty \$1,000
With an X	semiannual annual	- 		
	single event x			
	Charles entire de la company d			
Same	One	single event is recommen	naea.	
				<u> </u>
Economic Benefit (EB) for th	is violation		Statutory Limit/Test	
Estimate	d EB Amount	\$19	Violation Final Penalty To	al \$1,208
		This violation Final A	ssessed Penalty (adjusted for limit	s) \$1,208

- 48	E	conomic	Benefit W	orks	sheet		
Respondent	One Way Haulin	ng, Inc.	7				
Case ID No.	35060						*
Reg. Ent. Reference No.	RN100581479						
Media	Water Quality						Years of
Violation No.	•					Percent Interest	Depreciation
Violation ite.	-	A15	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		Date Required	rillai Date	113	interest Javeu	Oneume Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land			<u> </u>	0.0	\$0	n/a	\$0 \$0
Record Keeping System			<u> </u>	0.0	\$0	in/a	\$0
Training/Sampling				0.0	\$0	sels n/a	\$0
Remediation/Disposal			<u> </u>	0.0	\$0	n/a	
Permit Costs Other (as needed)	\$500	7-Nov-2007	11-Aug-2008	0.0	\$0 \$19	n/a n/a	\$0 \$19
Notes for DELAYED costs		• -	expected	date of	compliance.	vestigation date and	
Avoided Costs	ANN	UALIZE [1] avoid	led costs before e			one-time avoided o	
Disposal	1			0.0	\$0	\$0	\$0
Personnel			**	0.0	\$0	\$0	:: \$0 .7
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	1000	11.00		0.0	\$0	\$0	\$0
Other (as needed)			<u> </u>	0.0	\$0	\$0	\$0
	l ·						- I
Notes for AVOIDED costs							
	-						

Screening Date 6-Dec-2007 Docket No. 2007-1964-WQ-E	PCW
	evision 2 (September 2002)
Case is ite . 66666	Revision November 6, 2007
Reg. Ent. Reference No. RN100581479	
Media [Statute] Water Quality	-
Enf. Coordinator Thomas Jecha	
Violation Number 3	
Rule Cite(s) 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(g).	
Geodoff Allo(g).	
Failed to conduct quarterly inspections of pollution prevention measures and controls. Specifically, inspections were not conducted during the second and third quarters of 2007.	
Base Penalty	\$10,000
>> Environmental, Property and Human Health Matrix Harm	
Release Major Moderate Minor	
OR Actual Potential X Percent 10%	
>>Programmatic Matrix	
Falsification Major Moderate Minor	
Percent 0%	
Matrix Human health or the environment could be exposed to significant amounts of pollution as a result of the violation.	
Notes the violation.	·
Adjustment \$9,000	
Adjustment \$9,000	
	\$1,000
Violation Events	
Number of Violation Events 2 183 Number of violation days	
dáily	_
monthly	
mark only one quarterly x Violation Base Penalty	\$2,000
with an x semiannual	
annual	
single event	
Two quarterly events are recommended.	
Economic Benefit (EB) for this violation Statutory Limit Test	
Estimated EB Amount \$423 Violation Final Penalty Total	\$2,417
	60.447
This violation Final Assessed Penalty (adjusted for limits)	\$2,417

	E	conomic	Benefit W	orks	sheet		
Respondent	: One Way Hauli	na. Inc.					
Case ID No.							
Reg. Ent. Reference No.	· .						
	Water Quality						Years of
Violation No.	•					Percent Interest	Depreciation
Violation No.			点 医乳油粉 点			5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$			afi is		fuervi e seit	
Delayed Costs	umala i sa isida	WALTES AT LETT AT			3.77	Land Brown St.	
Equipment		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction		***		0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	in the thia at the	\$0
Training/Sampling				0.0	\$0	www.n/arthub.	\$0
Remediation/Disposal		1.0		0.0	\$0	n/au v	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a Min	\$O
Notes for DELAYED costs							
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before e	ntering	item (except for	one-time avoided c	osts)
Disposal	1. 1			0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	3.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1	N. Hijaran		0.0	\$0	\$0	\$0
Supplies/equipment			1 1 1 1	0.0	\$0	\$0	\$0
Financial Assurance [2]	17 188 2			0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$400	30-Jun-2007	30-Sep-2007	1.2	\$23	\$400	\$423
Other (as needed)		1-77		0.0	\$0	\$0	\$0
Notes for AVOIDED costs	Estimated o		l record quarterly in 7 and the final date			ired is the last day o I quarter of 2007.	f the second
Approx. Cost of Compliance		\$400			TOTAL		\$423

Screening Date 6-Dec-2	2007	Docket No. 2007-1964-	WQ-E	PCW
Respondent One Wa	ay Hauling, Inc.		Policy Re	vision 2 (September 2002)
Case ID No. 35060	•		PCW R	evision November 6, 2007
Reg. Ent. Reference No. RN1005	581479			
Media [Statute] Water 0	Quality			
Enf. Coordinator Thomas	s Jecha			
Violation Number 4				
Rule Cite(s) 30 T	ex. Admin. Code § 281.25(a)(4) Se	and TPDES MSGP No. TXI ction D.1(c).	R05V539, Part III.,	
Fai Violation Description minimu	iled to sample and analyze storn m frequency of once per year. \$ 200	n water discharges for hazar Specifically, sampling was n 05, and 2006.	dous metals at a ot conducted in 2004,	·
			Base Penalty	\$10,000
>> Environmental, Property and Hu	man Health Matrix			
	Harm			
Release Maje	or Moderate Minor			
Potential	X	Percent [5%	
>>Programmatic Matrix				
Falsification Major	or Moderate Minor			
		Percent	0%	
	****	· · · · · · · · · · · · · · · · · · ·		
Matrix Notes Human health or the e	environment could be exposed t the viola		ollutants as a result of	
		Adjustment	\$9,500	İ
				
				\$500
Violation Events				distance of the second
Number of Violation E	vents 3	730 Number of	violation days	ACCURATION AND AND AND AND AND AND AND AND AND AN
dai	у			
mark only one quart with an x annu single a	erly nnual x	Vid	olation Base Penalty[\$1,500
	Three annual events a	are recommended		
	Trifee affiliati evento e			
Economic Benefit (EB) for this viola	ation	Statutory	Limit Test	
Estimated EB Am	nount \$1,71	9 Violation	ո Final Penalty Total	\$1,813
	This violation	on Final Assessed Penalty	(adjusted for limits)	\$1,813
		All the second of the second		The office of the service of

	E	conomic	Benefit W	orks	sheet		
Respondent	One Way Haulin	ng, Inc.					
Case ID No.	•	•					
Reg. Ent. Reference No.	RN100581479						
	Water Quality						Years of
Violation No.	•					Percent Interest	Depreciation
Violation ito.		n hin that area gad		40.3	egen and the second	5.0	15
		B. B. B. B. B.	F1 B		1	l	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	A Hara Belluk			100		sa kitaba 194
Delayed Costs	- A		<u> </u>		e established see		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	www.lin/a	\$0
Record Keeping System				0,0	\$0	n/a	\$0
Training/Sampling		* * * * * * * * * * * * * * * * * * * *		0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	historia n/a	\$0
Permit Costs				0.0	\$0	i/w.r.si/in/a	\$0
Other (as needed)				0.0	\$0	n/a la	\$0
Notes for DELAYED costs							41
NOTES TO DELATED COSTS							
						<u> </u>	* - + *
Avoided Costs	ANN	UALIZE [1] avoid	ed costs before er	tering	item (except for	one-time avoided c	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel		1000 0100		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment		11 40 . 14 14 14 14		0.0	\$0	\$0	\$0
Financial Assurance [2]		100		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		and the second of	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1	0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	31-Dec-2004	31-Dec-2006	2.9	\$219	\$1,500	\$1,719
Notes for AVOIDED costs	Estimated co		analyze storm wate ne last day of 2004			and maintain record st day of 2006.	s . The date
Approx. Cost of Compliance		\$1,500			TOTAL		\$1,719

Screening Date	6-Dec-2007	Docket I	Vo. 2007-1964-WQ-E	PCW
the second secon	One Way Hauling, Inc.			Policy Revision 2 (September 2002)
Case ID No.	35060			PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN100581479			
Media [Statute]				
Enf. Coordinator				- Indiana in the second in the
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code	§ 281.25(a)(4) and TPDES	S MSGP No. TXR05V539, Part	III.,
	Se	ection A.5(b)(6) and Part \	/., Section P.2.	
Violation Description	designated area does not	uate spill prevention and r t exist for vehicles with po as spill clean-up containe	response measures. Specifical tential fluid leaks and 55 gallon ars were filled with trash.	ly, a drums
	ĸ		Base F	enalty \$10,000
>> Environmental, Property a	nd Human Health M	atrix		
	Harm			
Release	Major Moderate	Minor		
のR 湯 Actual				
Potential	X		Percent 10%	į
>>Programmatic Matrix Falsification	Major Moderate	Minor		
1 alsincation	Major Moderate	- William	Percent 0%	•
Matrix Notes Human healt	n or the environment coul	d be exposed to significar the violation.	nt amounts of pollutants as a re	sult of
The American Company of the Company			Adjustment	\$9,000
STATE OF THE STATE	OLITA MALINIA CON SALARA CARRA CARRA CARRA CONTRA CARRA CONTRA CARRA CAR		And the second s	## 000
				\$1,000
\ \(\(\) \				
Violation Events				
Number of Vio	lation Events 1	29	Number of violation days	
	<u> </u>			
mark only one	daily amonthly quarterly x		Violation Base F	Penalty \$1,000
with an x	semiannual annual single event			
				
	One qu	uarterly event is recomme	nded.	
Economic Benefit (EB) for thi	is violation		Statutory Limit Test	
Estimated	I EB Amount	\$29	Violation Final Penalt	y Total \$1,208
	···			04 000
		This violation Final As	sessed Penalty (adjusted for	limits) \$1,208

Reg. Ent. Reference No.							
— · — ·	Water Quality					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
,	110 0011111140 07 4		•				
Delayed Costs					Richard Barbara		
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	***			0.0	\$0	w n/a w i	\$0
Training/Sampling				0.0	\$0	in/a.wa.k	\$0
Remediation/Disposal				0.0	\$0	n/a ma	\$0
Permit Costs				0.0	\$0	141-50 n/articles	\$0
*** * * * *	0750				4	CONTRACTOR OF THE PROPERTY AND THE PROPE	***
Other (as needed)	\$750 Estimated cos	7-Nov-2007	11-Aug-2008	0.8	\$29	fine spills. The date	\$29 required is the
Notes for DELAYED costs	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is	n of an area to con the expected date	fine spills. The date of compliance.	required is the
Notes for DELAYED costs Avoided Costs	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is t	n of an area to con the expected date	fine spills. The date of compliance.	required is the
Notes for DELAYED costs Avoided Costs Disposal	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is t ntering	n of an area to con the expected date Item (except for	fine spills. The date of compliance.	required is the
Notes for DELAYED costs Avoided Costs Disposal Personnel	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is the ntering 0.0 0.0	n of an area to conthe expected date	fine spills. The date of compliance.	required is the osts) \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is the ntering 0.0 0.0 0.0	n of an area to conthe expected date Item (except for \$0 \$0 \$0 \$0	fine spills. The date of compliance. Die-time avoided c \$0 \$0 \$0	required is the osts) \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is the struction of the s	n of an area to con the expected date Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	fine spills. The date of compliance. Discretime avoided c \$0 \$0 \$0 \$0 \$0	required is the osts) \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	n of an area to con the expected date Item (except for \$0 \$0 \$0 \$0 \$0	fine spills. The date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is 1000 mtering	n of an area to conthe expected date Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	fine spills. The date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	Estimated cos	et of spill clean up e investigation	equipment and con date and the final	struction date is intering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	n of an area to con the expected date Item (except for \$0 \$0 \$0 \$0 \$0	fine spills. The date of compliance. one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	required is the osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date	6-Dec-2007	Docket N	lo. 2007-1964-WQ-E	
	One Way Hauling, Inc.			Policy Revision 2 (September 2002)
Case ID No.	35060			PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN100581479			
Media [Statute]	Water Quality			
Enf. Coordinator_	Thomas Jecha	,		
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code §	§ 281.25(a)(4) and TPDES Section C.1(c)	S MSGP No. TXR05V539, Pa	rt III.,
Violation Description	Failed to maintain a rain vicinity of the facility	n gauge on-site or utilize a y to determine when a rep	rain gauge located in the imn resentative storm event occu	nediate rs.
	·		Base	Penalty \$10,000
>> Environmental, Property a	nd Human Health Ma	atrix		
	Harm		erocalenge of Experimental School Professor (1983	
Release	Major Moderate	Minor		
OR Actual Potential		X	Percent 5%	
>>Programmatic Matrix		5		
>>Programmatic Matrix Falsification	Major Moderate	Minor		
7 alsinoation	Major Moderate		Percent 0%	
			h	
Matrix Notes	or the environment could	be exposed to insignificate the violation.	nt amounts of pollutants as a	result of
			Adjustment	\$9,500
				\$500
Violation Events		Tarangan Tarangan Santan		
Number of Vio	Nation Events 1	29	Number of violation days	
Number of vio	IAUON EVENUS	<u> </u>	Mulliper of Violation days	
mark only one with an x	daily monthly quarterly semiannual annual single event x		Violation Base	Penalty \$500
	One p	enalty event is recommen	ded.	<u>.</u>
Economic Benefit (EB) for the	is violation		Statutory Limit Tes	t - 1975
Fetimated	i EB Amount	\$5	Violation Final Pena	Ity Total \$604
Louinatec	/			
		This violation Final As	sessed Penalty (adjusted fo	or limits) \$604

	E	conomic	Benefit V	/orks	sheet		
Respondent	One Way Hauli	ng, Inc.					
Case ID No.	35060						
Reg. Ent. Reference No.	RN100581479						
	Water Quality		•				Years of
Violation No.						Percent Interest	Depreciation
Violation ito.	. •	A STATE OF THE STA				5.0	15
	1 1					L	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$	ewile twice is				and the second	. Na
Delayed Costs	in the second	i v nosyna. Wołyka	I 95				95 (825 T) 4 8 (200 T)
Equipment	\$100	7-Nov-2007	11-Aug-2008	0.8	\$0	\$5	\$5
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	tidest n/a	\$0 \$0
Record Keeping System			 	0.0	\$0 \$0	n/a	\$0 \$0
Training/Sampling		7-1100		0.0	\$0	n/a n/a	\$0 \$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs Other (as needed)				0.0	\$0	v n/a Mark	\$0
Notes for DELAYED costs	date	required is the in	vestigation date a	nd the fin	al date is the expe	nonitoring and record ected date of complia	ance.
Avoided Costs	ANN	UALIZE [1] avoid	led costs before	entering	item (except for	one-time avoided o	osts)
Disposal		1		0.0	\$0	\$0	\$0
Personnel	17.	1,11,22		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	13 45 4			0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]	1 1 1 1		4 2 2 2 2 2	0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		for the second		0.0	\$0	\$0.	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$100	0]		TOTAL		\$5

Compliance History Classification: AVERAGE Customer/Respondent/Owner-Operator: CN602633513 One Way Hauling, Inc. Classification: AVERAGE ONE WAY HAULING Regulated Entity: RN100581479 ID Number(s): INDUSTRIAL AND HAZARDOUS WASTE **EPA ID** TRANSPORTATION INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # (SWR) TRANSPORTATION PERMIT **STORMWATER PERMIT STORMWATER** Rating Date: September 01 07 Repeat Violator: 120 OIL PATCH RD, LAREDO, TX, 78043 Location: **REGION 16 - LAREDO** TCEQ Region: December 04, 2007 Date Compliance History Prep Agency Decision Requiring Compliance Enforcement December 04, 2002 to December 04, 2007 Compliance Period: TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History Thomas Jecha Phone: 512 239 2576 Name: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance No period? N/A 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? N/A 5. When did the change(s) in ownership occur? N/A Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A Any criminal convictions of the state of Texas and the federal government. В. N/A Chronic excessive emissions events. C. N/A The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 11/08/2005 (436532)2 11/28/2007 (608914)E. Written notices of violations (NOV). (CCEDS Inv. Track. No.) Date: 11/09/2005 (436532)Classification: Minor Self Report? Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4) PERMIT Part III Section E1e Rqmt Prov: Failure to provide documentation of a storm water discharge permit. Description: Classification: Minor Self Report? 30 TAC Chapter 281, SubChapter A 281.25(a)(4) Citation: PERMIT Part III Section A4d Rqmt Prov: Failure to update the list of reportable quantity spills and leaks on a quarterly basis. Description:

Classification:

Classification:

Minor

Minor

Rating: 9.00

TXR000040840

TXR05Q998

TXR05V539

86557

Site Rating: 9.00

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

PERMIT Part III Section A5b3

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Failure to clearly label all drums, tanks, and containers.

Self Report?

Rgmt Prov:

Description:

Self Report?

Citation:

NO

Rgmt Prov:

PERMIT Part III Section A5d

Description:

Failure to maintain written records of structural control maintenance.

Self Report?

NO

NO

NO

Classification: Minor

Classification

Classification

Classification

Classification

Classification

Classification

Ramt Prov:

PERMIT Part III Section A5f

Description:

Failure to maintain written records of employee training.

Self Report?

Classification

Minor

Minor

Moderate

Minor

Moderate

Minor

Citation: Ramt Prov:

30 TAC Chapter 281, SubChapter A 281.25(a)(4) PERMIT Part III Section A5q

Description:

Self Report?

Failure to conduct periodic inspections.

Citation:

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rqmt Prov:

PERMIT Part III Section A5h

Description:

Failure to conduct quarterly visual monitoring.

Self Report?

NO

Citation:

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Rgmt Prov:

PERMIT Part III Section A7b

Description:

Failure to conduct the annual comprehensive compliance evaluation.

Self Report?

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Citation: Rgmt Prov:

PERMIT Part III Section A7c3

Description:

Failure to maintain record of corrective action taken and/or revisions made to the

SWP3 with the annual comprehensive compliance evaluation report.

Self Report?

Citation: Rgmt Prov:

30 TAC Chapter 281, SubChapter A 281.25(a)(4) PERMIT Part III Section D(1,2)c

Description:

Failure to conduct annual numeric effluent monitoring for heavy metals.

Self Report? NO

30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Citation: Rgmt Prov:

PERMIT Part V Section P2

Description:

Failure to develop a designated area for vehicles with potential fluid leaks and/or

vehicles scheduled for maintenance in the SWP3.

Self Report?

30 TAC Chapter 281. SubChapter A 281.25(a)(4)

Citation: Rgmt Prov:

PERMIT Part V Section P2

Description:

Failure to define specific measures in the SWP3 to prevent and confine spills in the

designated area.

F. Environmental audits.

Type of environmental management systems (EMSs). G.

N/A

Н. Voluntary on-site compliance assessment dates.

N/A

Participation in a voluntary pollution reduction program.

N/A

Early compliance. J.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
ONE WAY HAULING, INC.	§	
RN100581479	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1964-WQ-E

I. JURISDICTION AND STIPULATIONS

At its	_ agenda, the Texas Commission on Environmental Quality
("Commission" or "TCEQ") consider	ered this agreement of the parties, resolving an enforcement
action regarding One Way Hauling, I	nc. ("One Way Hauling") under the authority of Tex. WATER
	Director of the TCEQ, represented by the Litigation Division,
and One Way Hauling appear before	the Commission and together stipulate that:

- 1. One Way Hauling owns and operates an oil field drilling equipment and bulk barite transportation facility located at 120 Oil Patch Road, Laredo, Webb County, Texas (the "Facility").
- 2. This Agreed Order is entered into pursuant to Tex. Water Code §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to Tex. Water Code § 5.013 because it alleges violations of Tex. Water Code ch. 26 and TCEQ rules.
- 3. The Commission and One Way Hauling agree that the Commission has jurisdiction to enter this Agreed Order, and that One Way Hauling is subject to the Commission's jurisdiction.
- 4. One Way Hauling received notice of the violations alleged in Section II ("Allegations") on or about December 3, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by One Way Hauling of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of fourteen thousand five hundred dollars (\$14,500.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Way Hauling has paid one thousand two hundred fifty-six dollars

(\$1,256.00) of the administrative penalty. The remaining amount of thirteen thousand two hundred forty-four dollars (\$13,244.00) of the administrative penalty shall be payable in 11 monthly payments of one thousand two hundred four dollars (\$1,204.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If One Way Hauling fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, One Way Hauling's failure to meet the payment schedule of this Agreed Order constitutes the failure by One Way Hauling to timely and satisfactorily comply with all of the terms of this Agreed Order.

- 7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and One Way Hauling have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that One Way Hauling has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

- 1. One Way Hauling is alleged to have violated:
 - a. 30 TEX. ADMIN. CODE § 281.25(a)(4) and Texas Pollutant Discharge Elimination System ("TPDES") Multi Sector General Permit ("MSGP") No. TXR05V539, Part III., Section A.5(b)(3) by failing to label drums, tanks, and containers as documented on November 7, 2007. Specifically, six bulk tanks were not labeled.

- b. 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III. Sections A.5(f), A.7(c)(4), and E.3(e)(2), by failing to retain records and reports for a period of three years and maintain the records at the Facility or have them readily available for review by a TCEQ representative as documented on November 7, 2007. Specifically, records, including employee training and corrective actions, were not available for review during the investigation.
- c. 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III. Section A.5(g), by failing to conduct quarterly inspections of pollution prevention measures and controls as documented on November 7, 2007. Specifically, inspections were not conducted during the second and third quarters of 2007.
- d. 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section D.1(c), by failing to sample and analyze storm water discharges for hazardous metals at a minimum frequency of once per year as documented on November 7, 2008. Specifically, sampling was not conducted in 2004, 2005, and 2006.
- e. 30 Tex. Admin. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(6) and Part V., Section P.2, by failing to provide adequate spill prevention and response measures as documented on November 7, 2008. Specifically, a designated area does not exist for vehicles with potential fluid leaks and 55 gallon drums designated as spill clean-up containers were filled with trash.
- f. 30 Tex. ADMIN. Code § 281.25(a)(4) and TPDES MSGP No. TXR05V539, Part III., Section C.1(c), by failing to maintain a rain gauge on-site or utilize a rain gauge located in the immediate vicinity of the Facility to determine when a representative storm event occurs as documented on November 7, 2008.
- 2. One Way Hauling received notice of the violations on or about December 3, 2007.

III. DENIALS

One Way Hauling generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that One Way Hauling pay an administrative penalty as set forth in Section I, Paragraph 6, above. The payment of this administrative penalty and One Way Hauling's compliance with all the terms and conditions set forth in this Agreed Order resolve only the Allegations in Section II. The Commission shall not be constrained in

any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: One Way Hauling, Inc., Docket No. 2007-1964-WQ-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. One Way Hauling shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, One Way Hauling shall:
 - i. Label all drums, tanks, and containers at the Facility, in accordance with TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(3); and
 - ii. Create a record keeping system to retain records and reports for a period of three years and maintain the records at the Facility or keep them readily available for review by the TCEQ, in accordance with TPDES MSGP No. TXR05V539, Part III., Sections A.5(f), A.7(c)(3), and E.3(e)(2).
 - b. Within 60 days after the effective date of this Agreed Order, One Way Hauling shall:
 - i. Begin conducting quarterly inspections of pollution prevention measures and controls, in accordance with TPDES MSGP No. TXR05V539, Part III., Section A.5(g);
 - ii. Begin sampling and analyzing storm water discharges for hazardous metals at a minimum frequency of once per year, in accordance with TPDES MSGP No. TXR05V539, Part III., Section D.1(c);
 - iii. Construct a designated area for vehicles with potential fluid leaks and maintain materials and equipment necessary for spill clean-up, in accordance with TPDES MSGP No. TXR05V539, Part III., Section A.5(b)(6) and Part V., Section P.2; and
 - iv. Maintain a rain gauge on-site to determine when a representative storm event occurs and monitor the gauge and maintain records, in accordance with TPDES MSGP No. TXR05V539, Part III., Section C.1(c).

c. Within 75 days after the effective date of this Agreed Order, One Way Hauling shall submit written certification and detailed supporting documentation, including photographs, receipts, and other records, to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

One Way Hauling shall submit the written certification and copies of documentation necessary to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Rose Luna-Pirtle, Water Section Manager Texas Commission on Environmental Quality Laredo Regional Office 707 East Calton Road, Ste. 304 Laredo, Texas 78041-3887

- 3. The provisions of this Agreed Order shall apply to and be binding upon One Way Hauling. One Way Hauling is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If One Way Hauling fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, One Way Hauling's failure to comply is not a violation of this Agreed Order. One Way Hauling shall have the burden of establishing to the Executive

One Way Hauling, Inc. DOCKET NO. 2007-1964-WQ-E Page 6

Director's satisfaction that such an event has occurred. One Way Hauling shall notify the Executive Director within seven days after One Way Hauling becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by One Way Hauling shall be made in writing to the Executive Director. Extensions are not effective until One Way Hauling receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against One Way Hauling in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. Admin. Code § 70.10(b) and Tex. Gov't. Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to One Way Hauling, or three days after the date on which the Commission mails notice of the Order to One Way Hauling, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

One Way Hauling, Inc. DOCKET NO. 2007-1964-WQ-E Page 7

For the Commission

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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Harring Ruliu		10/7/08
For the Executive Director	- ,	Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or One Way Hauling's failure to timely pay the penalty amount, may result in:

- A negative impact on One Way Hauling's compliance history;
- Greater scrutiny of any permit applications submitted by One Way Hauling;
- Referral of this case to the Attorney General's office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against One Way Hauling;
- Automatic referral to the Attorney General's Office of any future enforcement actions against One Way Hauling; and
- TCEQ seeking other relief as authorized by law.

In addition, I understand that any falsification of any compliance documents may result in criminal prosecution

Felix Rodriguez Jr.

Name (Printed or typed)

Signature

8/13/08

Date

President

Title

Authorized representative of One Way Hauling, Inc.